

## CONTACT MEMO

Contact: John Fielden, DWR  
Date: September 24, 1996  
Setting: Meeting at Resources Building

John Fielden provided his perspective on conjunctive use issues. The following is a summary of our conversation.

- I. Conjunctive use is a viable alternative for providing additional flow to the Delta, although the issue is difficult in that it is institutionally complex; permitting and water rights issues will be difficult to resolve.
- II. Conjunctive use is in flux; Counties are starting to play a bigger role in the conjunctive use and water transfer arena.
- III. Potential Obstacles
  - A. Institutional
    1. Sacramento Valley water supplies for use outside the valley is not a popular concept with many people
    2. Modifications to water rights
      - a. Water transfers - need to go to State Board for approval.
    3. Coordination of State and Federal projects; water rights settlement; agreement of Bureau of Reclamations to settle disputes between Bureau and diverters from Sacramento River; contracts with individual districts to provide "base supply" plus CVP water (project supply). Bureau has not allowed districts to transfer project supply.
    4. Water Code 1220: can only export groundwater if export is in compliance with County Groundwater Management Plan. Section 1221 -- allows Counties to adopt groundwater management plans and only applies to Sacramento Valley.
    5. Groundwater substitution is not prohibited by 1220 nor is moving groundwater within basin.
    6. Two exceptions:
      - a. 1990 - Yolo County, Upper Swanston Ranch - direct export of groundwater to Groundwater Bank - no objections, because bank was new and caught people by surprise.
      - b. Cowell Ranch - they didn't inform DWR about export of groundwater.
- IV. Groundwater substitution projects:
  1. Sacramento Basin
  2. Lower Colusa Basin
  3. Los Rios Farms In Yolo County (Southern)
  4. Chico M&T Ranch

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5. Western Canal
6. Provident ID (Westside)

V. Obstacles

1. Riparian rights - to what extent can riparian rights be transferred?
2. Permitting process (404, 401, ESA, State Lands Commission, etc.)
3. Determining how much "new" water will be available
4. Determining the interaction of groundwater and surface water system
5. Subsidence
6. Water Quality
7. Recharge feasibility -- many of the basins are full already; opportunities for direct recharge will be limited; in lieu may be best alternative
8. Regulation of surface water so that it is available when needed

VI. Recommendations

1. Implement a pilot program to demonstrate that the above issues can be overcome
2. Provide benefit to locals
3. Project should have a recharge component
4. It will be easier to sell project if it is structured to provide benefits to the delta as opposed to MWD
5. Butte Basin, aside from institutional issues, would be a good candidate
6. Need to bring clarity to groundwater management issues: AB 3030, County ordinances, etc. This may require legislative changes.
7. Many local projects in different areas will be easier to sell, since not any one area will feel like the target